



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of**

Hiroyuki SHINGAI, et al.

**Serial No.:** 09/313,266

**Group Art Unit:** 3743

**Filed:** May 18, 1999

**Examiner:** Leo, Leonard R.

**For:** FAN MOTOR AND HEAT SINK BUILT-IN TYPE FAN MOTOR

Honorable Commissioner of Patents  
Alexandria, Virginia 22313-1450

**RECEIVED**

APR 23 2004

TECHNOLOGY CENTER R3700

**THIRD STATUS INQUIRY LETTER AND  
PETITION FOR NEW NOTICE OF ALLOWANCE AND  
WITHDRAWAL OF HOLDING OF ABANDONMENT**

Sir:

Further to the Status Inquiry Letters filed on October 16, 2003, and January 8, 2004, Applicants respectfully request an indication of the status of the above-identified application, including an indication as to when the next Patent Office communication may be expected.

In the meantime, Applicants have checked the status of the above-identified application on the U.S. Patent and Trademark Office's Patent Application Information Retrieval System, which now lists the above-identified application as abandoned on July 2, 2002, for failure to pay issue fee, and a Notice of Abandonment was allegedly mailed on the February 21, 2002. It is noted that such a status apparently was not listed previously at the times of filing the Status Inquiry Letters.

In accordance with Delgar, Inc., v. Schuyler (172 USPQ 513) (DDC 1971) and MPEP § 711.03(c), page 700-92, second column (Ed. 7, July 1998), Applicants hereby petition for a new Notice of Allowance and for withdrawal of the holding of abandonment.

The PAIR status states that the abandonment on July 2, 2002, was caused by "failure to pay issue fee". However, the Advisory Action which was received by McGinn & Gibb,

PLLC, on October 23, 2001, is the most recent communication from the U.S. Patent and Trademark Office for the above-identified application.

Accompanying this Petition is the Declaration of Mary C. Gibb, Manager of the Docketing Department in the undersigned's law firm of McGinn & Gibb, PLLC. As set forth in that Declaration, Ms. Gibb, in her capacity as Manager of the Docketing Department, is intimately familiar with all of the details regarding the processing of mail received in the Docketing Department, including correspondence received from the U.S. Patent and Trademark Office. Attached to the Declaration is supporting documentation (Exhibits 1-3) showing that no Notice of Allowance in the subject application was processed by the Docketing Department or received by the undersigned's law firm.

Another of the attachments (Exhibit 4) to the Declaration of Ms. Gibb, is a copy of the front cover of the subject application's file jacket maintained in the undersigned's law firm. It should be noted that the file jacket cover shows the chronological sequence of correspondence between the undersigned's law firm and the U.S. Patent and Trademark Office. As noted on the cover, the application was filed on May 18, 1999. There is no indication of receipt of any Notice of Allowance by the undersigned's law firm.

The undersigned has been associated with McGinn & Gibb, PLLC, for a number of years, and in that time has been able to rely on the performance of the Docketing Department to provide conscientious, reliable, and competent notice of due dates for responses to correspondence received from the U.S. Patent and Trademark Office. Based on the undersigned's familiarity with the good work performed by the employees of the Docketing Department, it is respectfully submitted that the only reasonable conclusion is that no Notice

Application Serial No. 09/313,266  
Docket No. C32-113919M/TH  
NGB.008

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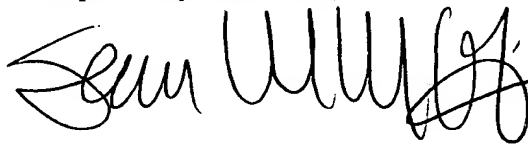
of Allowance was ever received by the undersigned's law firm for the above-identified application.

Further, it should be noted that the Notice of Abandonment could have been addressed to McGinn & Gibb, PLLC, 1701 Clarendon Boulevard, Suite 100, Arlington, VA 22209, as was the last correspondence received from the U.S. Patent and Trademark Office. However, this is not the mailing address of McGinn & Gibb, PLLC. The Continued Prosecution Application and Notice of Change of Address, filed November 30, 2001 (attached hereto and incorporated herein by reference as Exhibit 5), indicate a new correspondence address of 8321 Old Courthouse Road, Suite 200, Vienna, VA 22182-3817.

Pursuant to the detailed description provided in the Declaration of Ms. Gibb, which description is believed to satisfy fully the requirements set forth in MPEP § 711.03(c), Applicants respectfully request that a new Notice of Allowance be sent in the subject application and that the holding of abandonment be withdrawn.

Since this error is due to the U.S. Patent and Trademark Office, no fee is believed necessary. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-0481.

Respectfully submitted,



Sean M. McGinn  
Registration No. 34,386

Date: 4/20/04  
McGinn & Gibb, PLLC  
Intellectual Property Law  
8321 Old Courthouse Rd. Suite 200  
Vienna, Virginia 22182-3817  
(703) 761-4100  
Customer No. 21254



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of**

Hiroyuki SHINGAI, et al.

**Serial No.:** 09/313,266

**Group Art Unit:** 3743

**Filed:** May 18, 1999

**Examiner:** Leo, Leonard R.

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Honorable Commissioner of Patents  
Alexandria, Virginia 22313-1450

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APR 23 2004

**DECLARATION OF MARY C. GIBB**

TECHNOLOGY CENTER R3700

Sir:

I, Mary C. Gibb, hereby declare as follows:

1. I am Manager of the Docketing Department of the law firm of McGinn & Gibb, PLLC.
2. My duties as Manager of the Docketing Department require me to be intimately familiar with how the firm handles the mail, facsimile, and courier packages which arrive at McGinn & Gibb, PLLC.
3. Each business day (Monday-Friday), McGinn & Gibb, PLLC, receives a large volume of correspondence from the U.S. Patent and Trademark Office (USPTO). That correspondence relates to patent and trademark applications being handled by McGinn & Gibb, PLLC, and includes Notices of Allowance. Generally, since McGinn & Gibb, PLLC, is located in Vienna, Virginia, USPTO correspondence is received by the law firm within one or two business days after the USPTO mailing date, although sometimes it takes longer. All mail is received in the Docketing Department, including USPTO correspondence. The USPTO correspondence is handled as follows.

4. An individual employed in the Docketing Department of McGinn & Gibb, PLLC, receives all pieces of USPTO correspondence before they are opened. That same individual opens each piece of correspondence from the USPTO one at a time.

5. As the USPTO correspondence is opened, an entry is made by that same individual by hand, in a docket book, for each such piece of correspondence requiring a response to be provided to the USPTO by a certain due date. For example, an Issue Fee must be paid within the time specified therein (within three months of the mailing date), and so an entry would be made in the docket book on a due date for the required period of time for the Issue Fee. An entry is also made for a reminder two weeks before the due date. Attached as Exhibit 1 to my Declaration are copies of the pages of the docket book for items having a due date of May 21, 2002 (three months from the alleged mailing date of the Notice of Allowance) and May 7, 2002 (two weeks prior thereto). As can be seen from Exhibit 1, there is no entry for the above-identified application, indicating that the Notice of Allowance in question was never received by McGinn & Gibb, PLLC.

6. Once the USPTO Notice of Allowance received on a given date has been manually entered in the docket book as just described, the appropriate file for the USPTO Notice of Allowance is pulled and matched up to that Notice of Allowance. The appropriate file and the USPTO Notice of Allowance is then given to the secretary to the attorney responsible for handling the file. The secretary then enters the USPTO Notice of Allowance and the Issue Fee due date and reminder due date in the secretary's docket book and on the front cover of the application's file jacket.

7. On a weekly basis, a docket of cases due that week and the pertinent due dates for response for each case is given to each person (all attorneys and staff members) at

McGinn & Gibb, PLLC. This docket is double-checked with the docket maintained by the secretary. I have reviewed this list, and it does not include an entry for the above-identified application. Attached as Exhibit 2 to my Declaration is a copy of the list of cases submitted for (due) the weeks of May 21-27, 2002, and May 7-13, 2002. As can be seen from Exhibit 2, there is no entry relating to a USPTO mailing of a Notice of Allowance in connection with the above-identified application.

8. In addition to manually entering entries in the docket book as just described, the same information is entered in our computer docketing program. Attached as Exhibit 3 to my Declaration is a copy of the report from the computer docketing program for the above-identified application. As can be seen from Exhibit 3, there is no entry indicating that the Notice of Allowance in question was never received by McGinn & Gibb, PLLC.

9. Further, I attach Exhibit 4, which is a copy of the front cover of the subject application's file jacket. It should be noted that the file jacket front cover shows the chronological sequence of correspondence between the law firm and the U.S. Patent and Trademark Office. The left side of the front cover is filled in by the Attorney's secretary as Actions are received and docketed. The right side is filled in by the Attorney's secretary as the Actions are completed. As shown, there is no evidence showing a Notice of Allowance was ever received.

10. Finally, I attach Exhibit 5, which is a copy of the Continued Prosecution Application and Notice of Change of Address, filed on November 30, 2001, and date-stamped post card receipt, which indicate a new correspondence address as 8321 Old Courthouse Road, Suite 200, Vienna, VA 22182-3817. It is speculated that the Notice of Abandonment allegedly dated February 21, 2002, might have been addressed to our previous address at

Application Serial No. 09/313,266  
Docket No. C32-113919M/TH  
NGB.008

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1701 Clarendon Boulevard, Suite 100, Arlington, VA 22209. The correspondence address might not have been changed by the USPTO on November 30, 2001, with the filing of the Continued Prosecution Application and Notice of Change of Address.

11. Based on my review of Exhibits 1-5, and on my personal knowledge of the procedures followed by McGinn & Gibb, PLLC, in the Docketing Department for handling USPTO Notices of Allowance, I conclude that no Notice of Allowance was ever received by McGinn & Gibb, PLLC, for the above-identified application.

12. The Notice of Abandonment was also never received by McGinn & Gibb, PLLC. An Advisory Action dated October 18, 2001, is the most recent communication from the USPTO for the above-identified application.

Further Declarant saith not.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: April 20, 2004  
McGinn & Gibb, PLLC  
Intellectual Property Law  
8321 Old Courthouse Rd. Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
Customer No. 21254

Mary C. Gibb  
Mary C. Gibb  
Manager, Docketing Department

BEST AVAILABLE COPY

TUESDAY

21

MAY

1/8 KUDOSO N: File (022 App. (L Day) Smm  
 \* 12/19 WAK-065 Resp. (L Day) Smm  
 1/21 AS-023 Resp. (L Day) Smm  
 + UN1-024 abd. Tim. due (L Day) Smm  
 + 5/21 YOR-100 Response CAN Smm  
 + 5/21 NGB-068 Response JEH  
 5/13 FUJ-017 Nomp Smm  
 + 5/22 YOR-084 IFA dogs 4/3 PFM  
 4/25 YOR-278 Nomp FEC  
 + 5/21 ORI-028 IAS SA

+ ~~5/21 ORI-004~~ 5/21

+ SSUE DATE:

6,392,868 FUS-036

6,391,658 VOR-324

6,392,335 FUJ-032

6,393,604 FUJ-021

6,393,669 YOR-107

6,391,774 YAP-008

6,393,041 KATO-009

6,392,278 FUS-005

6,392,735 IGA-001

6,388,932 KUD-019 DIV

6,387,756 WAK-067

6,388,760 KIT-001

6,393,257 THK-028

6,386,694 ASH-009

6,389,192 NEC-110

6,388,602 YOR-197

6,390,707 OR-1

014054  
2

AT-A-GLANCE



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TUESDAY

7

MAY

1/28 WAK-076

1/28 GOF-048

1/7/02 LIT-002

UNI-013

Nec-125 abandoned 3/20/02

2/7 FUS-044

5/5 TAK-017

7/8 NEC-188

5/6 5/3 KAT-011

9/17 UNI-31

Resp. (L-Day)

Resp. (L-Day)

Nomp (L-Day)

Finell (L-Day)

Resp. (L-Day)

Resp. (L-Day)

Resp. (L-Day)

Response

IDS

IDS (softdate)

PAB-Smm

Smm

Smm

Neb

Smm

PAB-Smm

Cmm

Smm

JEH-Smm

Smm

SM

## ISSUE DATE:

6,384,659 - JTL-006

6,383,927 KUW-0101V

6,385,013 FUK-002

6,385,360 Nec-134

6,382,859 IST-11B-005

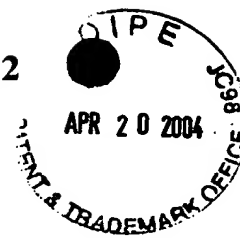
6,385,375 - MAR-047

6,384,546 FUS-045

**DOCKET - May 21-27, 2002**

<u>DUE DATE</u>	<u>FILE</u>	<u>COMMENTS</u>	<u>ATTY</u>
Tuesday, 5/21/02	ORI.028	IDS	SMM
	UNI.024	TM Due (Last Day)	PEM
	YOR.084	IF	PEM
	NGB.068	Response	JEH
	YOR.100	Response	CMM
	e-box.004	Prov. appl. filed 5/21/01	PEM
<i>Issue Date:</i>			
6,392,868	FUS.036	6,393,041 KATO.009	6,393,237 TAK.028
6,391,658	YOR.324	6,392,278 FUS.025	6,386,694 ASH.009
6,392,335	FUJ.032	6,392,735 IGA.021	6,389,192 NEC.110
6,393,604	FUJ.021	6,388,932 KUD.019DIV	6,388,602 YOR.197
6,392,669	YOR.107	6,387,756 WAK.067	6,390,707 ORI.014 DIV 2
6,391,774	YAN.008	6,388,760 KIT.001	
Wednesday, 5/22/02	UNI.015	TM Due 7/22/02	SMM
	GOT.046	IF & drawings	PAB
	KOS.012	Response	JEH
Thursday, 5/23/02	DEC.024	Response Due 6/6/02	PEM
Friday, 5/24/02	WAK.012	IF & Pub. Fee	PEM
Saturday, 5/25/02	NGB.089	NOMP	SMM
Sunday, 5/26/02	NEC.195	Response (1 mo.)	SMM
	FUJ.034	Final	JEH
	KOS.029	Response	JEH
	YOR.083	Final (2 mo.)	CMM
Monday, 5/27/02	WAK.060	IDS	SMM
	TAK.005	IF & Pub. Fee	FEC
	HIR.025	Response	PAB
	ARI.006	IDS	JEH
	GOT.059	Response	JEH
	KUD.032	Response	JEH

# DOCKET - May 7-13, 2002



<u>DUE DATE</u>	<u>FILE</u>	<u>COMMENTS</u>	<u>ATTY</u>
Tuesday, 5/7/02	NEC.188	Response	SMM
	UNI.031	IDS (Soft Date)	SMM

<i>Issue Date:</i>	6,384,659	JTL.006	6,382,859	ISHIB.005
	6,383,927	KUW.011 DIV	6,385,375	MAR.047
	6,385,013	FUK.002	6,384,546	FUJ.045
	6,385,360	NEC.134		

Wednesday, 5/8/02	WAK.039	Response	FEC
	YAS.025	IDS	FEC
	FUS.040	Response	JEH
	e-box.003	Prov. filed 5/8	PEM

Thursday, 5/9/02	DEC.001	1X Statement of Use	PEM
	HIR.035	1X	PAB

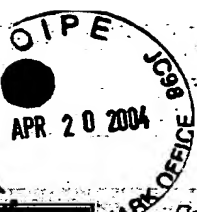
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Saturday, 5/11/02	BUR.025 DIV	Final (4 mo.)	PEM
	AMA.018	Final (4 mo.)	PAB

Sunday, 5/12/02	FUS.006	Final (3 mo.)	PEM
	UDA.003	Final (3 mo.)	PEM
	YOR.076 DIV	Final (2 mo.)	PEM
	DEC.022	Final (2 mo.)	PEM
	KOS.027	5th Final	PAB
	SHI.018	Response	JEH

Monday, 5/13/02	YOR.167	Re-start Date	SMM
	YOR.286	Final (3 mo.)	SMM
	DEC.046	NFCA	PEM
	YOR.239	IF & Pub. Fee	FEC
	ARI.006	Response	JEH
	YOR.115 DIV	Final (3 mo.)	CMM



<b>Matter Number</b> NGB.008	<b>Client Reference Number</b> C32-113919M/TH	<b>Patent Application</b> <b>Serial Number</b> 09/313,266	<b>Filing Date</b> 05/18/1999
<b>Client</b> NGB		<b>Filing Jurisdiction</b> United States of America	

<b>Title of Invention</b> <div></div>	<b>Patent</b> <b>Patent Number</b> <div></div> <b>Examiner</b> <div></div>	<b>Issue Date</b> <div>/ /</div> <b>Art Unit</b> <div></div>
<b>Last Updated By</b> Mary	<b>Last Updated</b> 06/21/2002 15:37	

Action Code	Action	Base Date mm/dd/yyyy	No.	Units	Reminder Date mm/dd/yyyy	Due Date mm/dd/yyyy	SBD No.	SBD Units	StarBar Date (SBD) mm/dd/yyyy	Completion Date mm/dd/yyyy
ROAF	Reply to Final Office Action	07/03/2001			11/03/2001	10/03/2001	6	Months	01/03/2002	01/03/2002

Date Calculator	Print	Save	Clear	Delete	Close
File	Actions	Reports	Lists	Utilities	

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APR 23 2004  
TECHNOLOGY CENTER R3700

Priority: May 21, 1998

NQB.008  
C32-113919  
M/TH

APR 20 2004

Comm File

10-140025

CONTINUATION IN PART OF

CANADIAN

OTHER F

INVENTOR Hiroyuki Kingale et al  
SERIAL NO. 09/313, 266 FILED May 18, 1999  
TITLE Fan Motor and Heat Sink Built in Type  
an Motor  
SIGNÉE Copac Co., Ltd  
SIGNMENT RECORDED \_\_\_\_\_ REEL \_\_\_\_\_ FRAME \_\_\_\_\_

OFFICE ACTIONS

AMENDMENTS

1st OA / Species Reg 6/15/00  
2nd OA 9/27/00 10-10 Postage \$25.00  
Copies 20.00  
Final Office Action 7/3/01  
Advisory Action 10/18/01

Amend. Filed 7/17/00  
Amend filed 12/26/00  
Amend filed 10/3/01  
CPA Filed 11/30/01

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APR 23 2004

TECHNOLOGY CENTER R3700

EXHIBIT 4



*Complete*  
*NGR. 008*

Attorney's Post Card Filing Receipt

Serial Number: 091313,266 Papers Filed On: 11/30/01

Attorney's Docket Number: C32-113919M/H ☒ Patent ☐ Trademark

Applicant's Name: Shingai et al. Application Filing Date: 5/18/99

Papers Filed Herewith:

<input type="checkbox"/> Amendment	<input checked="" type="checkbox"/> Request for Extension of Time	<input checked="" type="checkbox"/> CPA Request
<input type="checkbox"/> Notice of Appeal	<input type="checkbox"/> Appeal Brief (in triplicate)	<input type="checkbox"/> Reply Brief
<input type="checkbox"/> IDS	<input type="checkbox"/> 1449 Form w/ <u>3</u> Documents	<input type="checkbox"/> Priority Document(s)
<input type="checkbox"/> Assignment	<input type="checkbox"/> Recordation Cover Sheet	<input type="checkbox"/> Formal Drawings
<input type="checkbox"/> Drawing Corrections	<input type="checkbox"/> Issue Fee Transmittal	<input type="checkbox"/> Missing Parts
<input type="checkbox"/> Other <u>Change of Address</u>		

Fees Filed Herewith: \$ 1,224 ☒ Check ☐ Charge Deposit Account: \_\_\_\_\_  
*CA # 6138* Hand Delivered

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APR 23 2004

TECHNOLOGY CENTER R3700

**EXHIBIT 5**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Shingai et al.

Serial No.: 09/313,266

Group Art Unit: 3743

Filed: May 18, 1999

Examiner: Leo, L

For: FAN MOTOR

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APR 23 2004

Assistant Commissioner of Patents  
Washington, D.C. 20231

TECHNOLOGY CENTER R3700

NOTICE OF CHANGE OF ADDRESS


Sir:

Please be advised that the correspondence address of attorneys of record in the above-identified application has been changed to:

McGINN & GIBB, PLLC  
8321 OLD COURTHOUSE RD.  
SUITE 200  
VIENNA, VA 22182-3817  
(703) 761-4100  
Customer No.: 21254

Please change the records in regard to the above-identified application accordingly and direct all telephone calls to the number shown above.

Respectfully submitted,

 # 46,060  
Sean M. McGinn  
Registration No. 34,386

Date: 11/30/01

McGinn & Gibb, PLLC  
Intellectual Property Law  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
Telephone: (703) 761-4100  
Customer No. 21254

# **CONTINUED PROSECUTION APPLICATION (CPA) OF PTE** **REQUEST TRANSMITTAL (Large Entity)**

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

Docket No.

C32-113919M/TH

☐ **DUPLICATE**

(Check box if applicable)

First Named Inventor

Examiner

Group/Art Unit

SHINGAI et al.

Leo, L.

3743

Address to:

Assistant Commissioner for Patents  
 Box CPA  
 Washington, D.C. 20231

This is a request for filing a ☒ continuation, or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/313,266 filed on May 18, 1999 and entitled:

FAN MOTOR

1. ☒ Enter the unentered amendment previously filed on October 3, 2001 under 37 CFR 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. ☐ This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
- a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:

- b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. ☐ A new power of attorney or authorization of agent is enclosed.

5. ☐ An Information Disclosure Statement (IDS) is enclosed:

a. ☐ PTO-1449

b. ☐ Copies of IDS Citations

6. ☒ The fee for this application is calculated as follows:

**RECEIVED**

APR 23 2004

TECHNOLOGY CENTER R3700

## CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	16	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	4	- 3 =	1	x \$84.00	\$84.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$740.00
TOTAL FILING FEE					\$824.00



**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to  
Deposit Account No. 50-0481

- ☒ fees required under 37 C.F.R. 1.16.  
☒ fees required under 37 C.F.R. 1.17.  
☐ fees required under 37 C.F.R. 1.18.

8. ☒ A check in the amount of \$1,224.00 is enclosed.

9. ☒ Also enclosed:

• Petition and fee for Two-Month Extension of Time

10. ☒ The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

**McGinn & Gibb, PLLC**  
**8321 Old Courthouse Road**  
**Suite 200**  
**Vienna, VA 22182-3817**

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

**NOTES**

**Submit an original, and a duplicate for fee processing.**

**FILING QUALIFICATIONS:** The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).


**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated: November 30, 2001

 # 46,060  
Signature

 Sean M. McGinn  
Typed or printed name

34,386  
Registration Number (if applicable)

- ☐ Inventor(s)  
☐ Assignee of complete interest  
☒ Attorney or agent of record

cc: